

Union Calendar No. 137

103D CONGRESS
1ST SESSION

S. 1130

[Report No. 103-246]

AN ACT

To provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

SEPTEMBER 21, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1993

Referred to the Committee on Post Office and Civil Service

SEPTEMBER 21, 1993

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of referred bill, see copy of bill as referred in the House of Representatives on July
15, 1993]

AN ACT

To provide for continuing authorization of Federal employee
leave transfer and leave bank programs, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Employees*
5 *Leave Sharing Amendments Act of 1993”.*

1 **SEC. 2. REPEAL OF TERMINATION PROVISION.**

2 Section 2(d) of the Federal Employees Leave Sharing
3 Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as
4 of October 30, 1993.

5 **SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DE-**
6 **TERMINING WHETHER ANY PAID LEAVE IS**
7 **AVAILABLE.**

8 (a) *IN GENERAL.*—Sections 6331(4) and 6361(6) of
9 title 5, United States Code, are each amended by striking
10 “leave.” and inserting “leave (disregarding any advanced
11 leave).”.

12 (b) *TECHNICAL CORRECTION.*—Section 6331(4) of title
13 5, United States Code, is amended by inserting “the term”
14 after “(4)”.

15 **SEC. 4. ACCRUAL OF LEAVE.**

16 Section 6337 of title 5, United States Code, is amended
17 by striking subsection (c) and inserting the following:

18 “(c)(1) Any annual or sick leave accrued by an em-
19 ployee under this section shall be transferred to the appro-
20 priate leave account of such employee under subchapter I,
21 and shall be available for use—

22 “(A) as of the beginning of the first applicable
23 pay period beginning after the date on which the em-
24 ployee’s medical emergency terminates as described in
25 paragraph (1) or (2) of section 6335(a); or

1 “(B) if the employee’s medical emergency has not
 2 yet terminated, once the employee has exhausted all
 3 transferred leave made available to such employee
 4 under this subchapter.

5 “(2) In the event that the employee’s medical emer-
 6 gency terminates as described in section 6335(a)(3)—

7 “(A) any leave accrued but not yet transferred
 8 under this section shall not be credited to such em-
 9 ployee; or

10 “(B) if there remains, as of the date the emer-
 11 gency so terminates, any leave which became avail-
 12 able to such employee under paragraph (1)(B), such
 13 leave shall cease to be available for any purpose.

14 “(d) Nothing in this section shall be considered to pre-
 15 vent, with respect to a continuing medical emergency, fur-
 16 ther transfers of leave for use after leave accrued under this
 17 section has been exhausted by the employee.”.

18 **SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND**

19 **LEAVE TRANSFER PROGRAMS.**

20 (a) *AUTHORITY TO PARTICIPATE IN BOTH PRO-*
 21 *GRAMS.—*

22 (1) *IN GENERAL.—*Section 6373 of title 5,
 23 *United States Code, is amended to read as follows:*

1 ***“§ 6373. Authority to participate in both programs***

2 “(a) The Office of Personnel Management shall pre-
3 scribe regulations under which an employee participating
4 in a leave bank program under this subchapter may, subject
5 to such terms or conditions as the Office may establish, also
6 make or receive donations of leave under subchapter III.

7 “(b) Notwithstanding any provision of section 6337 or
8 6371, if an employee uses leave transferred to such employee
9 under subchapter III and leave made available to such em-
10 ployee under this subchapter in connection with the same
11 medical emergency, the maximum number of days of an-
12 nual leave and sick leave, respectively, which may accrue
13 to such employee in connection with such medical emer-
14 gency shall be the same as if all of that leave had been made
15 available to such employee under this subchapter.”.

16 (2) *TECHNICAL AMENDMENT.*—The table of sec-
17 tions for chapter 63 of title 5, United States Code, is
18 amended by striking the item relating to section 6373
19 and inserting the following:

“6373. Authority to participate in both programs.”.

20 (b) *ELIMINATION OF PROVISION TREATING LEAVE*
21 *BANK PROGRAM AS A DEMONSTRATION PROJECT.*—Section
22 6362 of title 5, United States Code, is amended—

23 (1) by striking subsection (b); and

24 (2) in subsection (a) by striking “(a)”.

1 ***SEC. 6. EFFECTIVE DATE.***

2 *Except as provided in section 2, this Act and the*
3 *amendments made by this Act shall take effect as of the*
4 *120th day after the date of the enactment of this Act or*
5 *such earlier date as the Office of Personnel Management*
6 *may by regulation prescribe.*

Passed the Senate July 14 (legislative day, June 30), 1993.

Attest:

WALTER J. STEWART,
Secretary.